

REMARKS

In the Office Action dated March 8, 2004, claims 9-22 are pending, claims 10-12 and 16 are allowed, claims 9, 13-15, 17 and 19 are rejected and objection is made to claims 18, 21 and 22. Applicants appreciate the indication of patentable subject matter.

Applicants appreciate the courteous interview extended to their attorney by Examiner Stewart on June 3, 2004. During the interview, the 112 rejection was discussed along with the citation of Doddroe and applicants invention. The substance of Applicants remarks is included herein.

The Examiner had stated that he "has not been able to find a paragraph, line or phrase that discloses a tension element capable of transmitting **only a tension force**." during the interview, it was explained that on page 2, last paragraph of the original specification, the tension element 9 is described as being ribbon-like and as being a stretch-free ribbon element. Further, a ribbon-like element cannot transmit a compression force and can transmit only tension force; that it is inherent in the structure of a ribbon element.

The Examiner stated that he would like to see support in the record such as a publication or the like describing a ribbon as having only tensile strength. Applicants' attorney indicated that it may not be possible to find such a publication because of the inherent property of a ribbon as incapable of transmitting a compressive force.

In support of the fact that a ribbon is a tension element inherently is a structure that is capable of transmitting only a tension force, Applicants submit the Declaration of Lutz Biedermann. Mr. Biedermann is a Certified Prosthetist/Orthotist, C.P.O. with a

masters degree and a Certified Orthopaedic Engineer, C.O.E. with a government degree in Germany. He has over 20 years experience in the field of medical appliances. Attached to his Declaration are public definitions for "rope" and "ribbon", which are available on the internet.

As declared by Declarant in paragraph 10, the term "ribbon-like" inherently means that there is no compressive strength. In Exhibit 2 (attached to the Declaration), a ribbon is a thin band of cloth (paragraph 11). The definition of "rope" from the same source [see Exhibit 3] states "a length of fibers woven together to improve strength; [i]t has tensile strength but is too flexible to provide compressive strength" (paragraph 12). This definition of "rope" applies equally to a "ribbon" (paragraph 13).

Applicants respectfully submit that it is well known to those skilled in the art that a ribbon has a structure that, like a rope, has tensile strength but is incapable of transmitting a compressive force.

Regarding Doddroe, the Examiner indicated that he gave no weight to the claim term "only" in connection with the tension element transmitting **only** a tension force. He indicated that the term was not structural. However, it has been explained that the transmitting **only** a tension force describes a property of a structural element because it changes the structure substantially. Thus, the two springs can move toward each other in the invention whereas that is not possible because of the plate 20 structure in Doddroe, which **not** only transmits a tension force but also transmits and resists a compression force.

It is respectfully submitted that the subject application is in a condition for

Applicant: Biedermann, et al.
U.S.S.N.: 09/914,256
Page 8 of 8

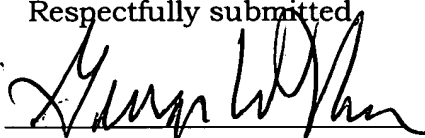
allowance. Early and favorable action is requested. If, after consideration of the Declaration and the above discussion, any issues remain, it is requested that the Examiner call Applicants' attorney to resolve such issues.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

Date: July 8, 2004

By:


George W. Neuner
Reg. No. 26,964

Edwards & Angell, LLP
P.O. Box 55874
Boston, MA 02205
(617) 439- 4444

Customer No. 21874

BOS2_450909.1